

Docket No. 38-21(51721)B  
Inventors: Mark S. Abad *et al.*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mark S. Abad *et al.*

Appln. No.: To Be Assigned

Filed:

For: Nucleic Acid Molecules and Other  
Molecules Associated with Plants

Art Unit: ~~To Be Assigned~~

Examiner: To Be Assigned

Atty. Docket: 38-21(51721)B

#715  
4/28/02  
1638102

10922 U.S. PTO  
09/696664



I hereby verify this transmittal together with the patent application referred to below is being deposited  
with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10  
Express Mail Label No. EL032544202US on the date indicated and is addressed to:  
Commissioner for Patents, Washington, D.C. 20231

Jian S. Zhou Registration No. 41, 422

Jian S. Zhou Date: Oct. 25, 2000

TRANSMITTAL OF NON-PROVISIONAL PATENT APPLICATION

Commissioner for Patents  
Washington, D.C. 20231

*Box Patent Application*

Sir:

Transmitted herewith for filing under 37 C.F.R. §1.53(b) is the complete patent  
application of:

**Nucleic Acid Molecules and Other Molecules Associated with Plants**

Inventors: Mark S. Abad

Scott E. Andersen

Patrice Dubois

Debbie A. Mahadeo

James D. Masucci

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Utility Patent Application Transmittal (PTO/SB/05);
2. Form PTO-1082 (in duplicate);
3. U.S. Utility Patent Application entitled:  
**Nucleic Acid Molecules and Other Molecules Associated with Plants**  
and naming as inventors:  
Mark S. ABAD, Scott E. ANDERSEN, Patrice DUBOIS, Debbie A. MAHADEO  
and James D. MASUCCI  
the application consisting of:
  - a. A specification containing:
    - (i) 94 pages of a description prior to the claims;
    - (ii) 1 pages of claims (7 claims); and
    - (iii) a one (1) page abstract;
4. A CD-ROM containing the Sequence Listing;
5. Petition to Suspend Sequence Rules (in duplicate);
6. Combined Declaration and Power of Attorney, executed by inventors Mark S. Abad, Scott E. Andersen, Patrice Dubois and Debbie A. Mahadeo (4 pages);
7. Combined Declaration and Power of Attorney, executed by inventor James D. Masucci (4 pages);

8. An Information Disclosure Statement;
9. Form PTO-1449 (1 page), with 8 accompanying documents; and
10. One (1) return postcards.

It is respectfully requested that the attached prepaid postcard be stamped with the filing date and unofficial application number and returned as soon as possible.

Respectfully submitted,



Lawrence M. Lavin, Jr., Esq (Reg. No. 30,768)  
Jian S. Zhou (Reg. No. 41,422)

Enclosures

Date: Oct. 25, 2000

Patent Department, E2NA  
Monsanto Company  
800 N. Lindbergh Boulevard  
St. Louis, MO 63167  
Tel: 636-694-3602  
Fax: 636-694-1671

Please type a plus sign (+) inside this box

PTO/SB/05 (2/98)  
Approved for use through 09/30/00. OMB 0651-0032  
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  (Only for new nonprovisional applications under 37 CFR 1.53 (b))	Attorney Docket No.	38-21(51721)B
	First Named Inventor or Application Identifier	Abad, Mark S.
	Title	NUCLEIC ACID MOLECULES AND OTHER MOLECULES ASSOCIATED WITH PLANTS
	Express Mail Label No.	EL032544202US

<b>APPLICATION ELEMENTS</b>  See MPEP chapter 600 concerning utility patent application contents	<b>ADDRESS TO:</b>  Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
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1. ☒ \*Fee Transmittal Form (Form PTO-1082)  
(Submit an original and a duplicate for fee processing)
2. ☒ Specification [Total Pages 96]  
(preferred arrangement set forth below)
- Descriptive title of the Invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R and D
  - Reference to Microfiche Appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claims
  - Abstract of the Disclosure
- ☐ Drawing(s) (35 USC 113) [Total Sheets     ]  
Oath or Declaration [Total Pages 8]
- a. ☒ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)  
[Note Box 5 below]
- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☐ Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
- a. ☒ Computer Readable Copy
- b. ☐ Paper Copy (identical to computer copy)
- a. ☐ Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

8. ☐ Assignment Papers (cover sheet document(s))
9. ☐ 37 CFR 3.73(b) Statement ☒ Power of Attorney  
(when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503) (One)  
(should be specifically itemized)
14. ☐ \*Small Entity Statement(s) ☐ Statement filed in prior application, status still proper and desired
15. ☐ Certified Copy of Priority Document (s)  
(if foreign priority is claimed)
16. ☐ Other:

\*NOTE FOR ITEMS 1 and 14: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. §1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. §1.28).

If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

17. ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No:       
Prior Application Information: Examiner:      Group/Art Unit:

**18. CORRESPONDENCE ADDRESS**

☐ Customer Number or Bar Code Label or ☒ Correspondence address below  
(Insert Customer No. or attach Bar Code Label here)

NAME	Lawrence M. Lavin, Jr.				
ADDRESS	Patent Department, E2NA; Monsanto Company, 800 N. Lindbergh Boulevard				
CITY	St. Louis	STATE	Missouri	ZIP CODE	63167
COUNTRY	US	TELEPHONE	(314) 694-3602	FAX	(314) 694-1671
Name (Print/Type)	Lawrence M. Lavin, Jr.			Registration No.	30768
Signature	Lawrence M. Lavin, Jr.			Date:	Oct. 25, 2000

Burden Hour Statement. This form is estimated to take 2 hours to completed. Time will vary depending on the needs of the individual cases. Any comments on the amount of time you required to completed this form should be sent to the Office of Assistance Quality and Enhancement Division, Patent and Trademark Office, Washington, DC 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (Project 0651-0037), Washington, DC 20503. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Washington, DC 20231.

by Jinsong

Jian S. Zhou  
Reg. No. 41422

10/25/00  
09/696664  
1c922 U.S. PTO

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Approved for use through 09/30/2000. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 1999

Patent fees are subject to annual revision.  
Small Entity payments must be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.  
See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$ 820.00)

## Complete if Known

Application Number  
Filing Date  
First Named Inventor Mark S. Abad  
Examiner Name To Be assigned  
Group / Art Unit  
Attorney Docket No. 38-21(51721)B

## METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 13-4125

Deposit Account Name

☒ Charge Any Additional Fee Required  
Under 37 CFR §§ 1.16 and 1.17

2. ☐ Payment Enclosed:  
☐ Check ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 760	201 380	Utility filing fee	690.00
106 310	206 155	Design filing fee	
107 480	207 240	Plant filing fee	
108 760	208 380	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$ 690.00)

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
7	-20** = 0	x 18	= 0
Independent Claims 3	-3** = 0	x 78	= 0
Multiple Dependent			= 0

\*\*or number previously paid, if greater; For Reissues, see below

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 78	202 39	Independent claims in excess of 3
104 260	204 130	Multiple dependent claim, if not paid
109 78	209 39	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00)

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	0.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	0.00
139 130	139 130	Non-English specification	0.00
147 2,520	147 2,520	For filing a request for reexamination	0.00
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	0.00
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	0.00
115 110	215 55	Extension for reply within first month	0.00
116 380	216 190	Extension for reply within second month	0.00
117 870	217 435	Extension for reply within third month	0.00
118 1,360	218 680	Extension for reply within fourth month	0.00
128 1,850	228 925	Extension for reply within fifth month	0.00
119 300	219 150	Notice of Appeal	0.00
120 300	220 150	Filing a brief in support of an appeal	0.00
121 260	221 130	Request for oral hearing	0.00
138 1,510	138 1,510	Petition to institute a public use proceeding	0.00
140 110	240 55	Petition to revive - unavoidable	0.00
141 1,210	241 605	Petition to revive - unintentional	0.00
142 1,210	242 605	Utility issue fee (or reissue)	0.00
143 430	243 215	Design issue fee	0.00
144 580	244 290	Plant issue fee	0.00
122 130	122 130	Petitions to the Commissioner	130.00
123 50	123 50	Petitions related to provisional applications	0.00
126 240	126 240	Submission of Information Disclosure Stmt	0.00
581 40	581 40	Recording each patent assignment per property (times number of properties)	0.00
146 760	246 380	Filing a submission after final rejection (37 CFR § 1.129(a))	0.00
149 760	249 380	For each additional invention to be examined (37 CFR § 1.129(b))	0.00
Other fee (specify)			0.00
Other fee (specify)			0.00

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00)

## SUBMITTED BY

Name (Print/Type)	Registration No. (Attorney/Agent)	Complete (if applicable)
Lawrence M. Lavin, Jr.	30,768	Telephone 314-694-3602
Signature Lawrence M. Lavin, Jr.		Date Oct. 25, 2000

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

by Jian S. Zhou Reg. No. 41422  
Jian S. Zhou